

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID CLARKE,

Defendant.

No. 11-30152-DRH

ORDER

HERNDON, Chief Judge:

On April 12, 2012, the Court received a pleading from David Clarke wherein Clarke asked that the Clerk of the Court file a notice of appeal for him and asked that the Court appoint counsel to represent him on appeal (Doc. 52). The pleading was construed and filed as a Notice of Appeal and as a request for counsel on appeal. As to Clarke's request for counsel, the Court does not have the authority to make such decisions once final judgment has been entered. Only the Seventh Circuit Court of Appeals may allow defense counsel to withdraw after judgment is entered or appoint new counsel for purposes of an appeal. *United States v. Flowers*, 789 F.2d 569, 570 (7th Cir. 1986)(per curiam); accord *Corral v. United States*, 498 F.3d 470, 474 (7th Cir. 2007); see Circuit Rule 51 ("Trial counsel in a criminal case, whether retained or appointed by the district court, is responsible for the continued representation of the client desiring to appeal unless specifically relieved by the court of appeals upon a motion to withdraw."). Thus, the Court denies the motion for appointment of

counsel. Clarke may re-file the motion with the Seventh Circuit Court of Appeals.

IT IS SO ORDERED.

Signed this 16th day of April, 2012.

David R. Herndon



David R.
Herndon

2012.04.16

14:25:03 -05'00'

**Chief Judge
United States District Court**